



General Assembly

January Session, 2003

Raised Bill No. 6684

LCO No. 4313

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING PROBATE COURT JURISDICTION OVER
FAMILIES WITH SERVICE NEEDS AND YOUTHS IN CRISIS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 10-198a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (c) If the parent or other person having control of a child who is a
5 truant fails to attend the meeting held pursuant to subdivision (1) of
6 subsection (b) of this section or if such parent or other person
7 otherwise fails to cooperate with the school in attempting to solve the
8 truancy problem, such policies and procedures shall require the
9 superintendent of schools to file for each such truant enrolled in the
10 schools under his jurisdiction a written complaint with the [Superior
11 Court] Probate Court pursuant to section 46b-149, as amended by this
12 act, alleging the belief that the acts or omissions of the child are such
13 that his family is a family with service needs.

14 Sec. 2. Section 10-201 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2003*):

16 Officers other than policemen of cities shall receive for making the
17 arrests required by section 10-200 such fees, not exceeding the fees
18 allowed by law for making other arrests, as may be allowed by the
19 selectmen of the town in which such arrests are made; but unless a
20 warrant was issued by a judge of [the Superior Court] probate, the
21 officer shall, before receiving a fee, present to the selectmen of the
22 town a written statement showing the name of each child arrested, the
23 day on which the arrest was made and, if the child was returned to
24 school, the name or number of the school to which such child was so
25 returned.

26 Sec. 3. Section 10-202 of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective October 1, 2003*):

28 In all cases arising under the provisions of sections 10-200 and 10-
29 201, as amended by this act, a proper warrant shall be issued by [a] the
30 judge of [the Superior Court in the jurisdiction where] probate for the
31 district in which such arrest is made; and the parent or guardian of
32 such child, shall be notified, if such parent or guardian can be found,
33 of the day and time of hearing.

34 Sec. 4. Subdivision (11) of subsection (g) of section 17a-28 of the
35 general statutes is repealed and the following is substituted in lieu
36 thereof (*Effective October 1, 2003*):

37 (11) A judge of the Superior Court for purposes of determining the
38 appropriate disposition of a child convicted as delinquent or a judge of
39 the Probate Court for purposes of determining the appropriate
40 disposition of a child who is a member of a family with service needs.

41 Sec. 5. Subsection (a) of section 45a-98 of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2003*):

44 (a) Courts of probate in their respective districts shall have the
45 power to: (1) [grant] Grant administration of intestate estates of

46 persons who have died domiciled in their districts and of intestate
 47 estates of persons not domiciled in this state which may be granted as
 48 provided by section 45a-303; (2) admit wills to probate of persons who
 49 have died domiciled in their districts or of nondomiciliaries whose
 50 wills may be proved in their districts as provided in section 45a-287;
 51 (3) except as provided in section 45a-98a or as limited by an applicable
 52 statute of limitations, determine title or rights of possession and use in
 53 and to any real, tangible or intangible property that constitutes, or may
 54 constitute, all or part of any trust, any decedent's estate, or any estate
 55 under control of a guardian or conservator, which trust or estate is
 56 otherwise subject to the jurisdiction of the Probate Court, including the
 57 rights and obligations of any beneficiary of the trust or estate and
 58 including the rights and obligations of any joint tenant with respect to
 59 survivorship property; (4) except as provided in section 45a-98a,
 60 construe the meaning and effect of any will or trust agreement if a
 61 construction is required in connection with the administration or
 62 distribution of a trust or estate otherwise subject to the jurisdiction of
 63 the Probate Court, or, with respect to an inter vivos trust, if that trust is
 64 or could be subject to jurisdiction of the court for an accounting
 65 pursuant to section 45a-175, provided such an accounting need not be
 66 required; (5) except as provided in section 45a-98a, apply the doctrine
 67 of cy pres or approximation; (6) to the extent provided for in section
 68 45a-175, call executors, administrators, trustees, guardians,
 69 conservators, persons appointed to sell the land of minors, and
 70 attorneys-in-fact acting under powers of attorney created in
 71 accordance with section 45a-562, to account concerning the estates
 72 entrusted to their charge; (7) on and after the effective date of this
 73 section, hear juvenile matters concerning families with service needs or
 74 youths in crisis; and [(7)] (8) make any lawful orders or decrees and
 75 issue any warrants necessary to carry into effect the power and
 76 jurisdiction conferred upon them by the laws of this state.

77 Sec. 6. Subsection (b) of section 45a-186 of the general statutes is
 78 repealed and the following is substituted in lieu thereof (*Effective*
 79 *October 1, 2003*):

(b) Any such appeal shall be filed in the superior court for the judicial district in which such court of probate is located except that (1) any appeal under subsection (b) of section 12-359, [or] subsection (b) of section 12-367 or subsection (b) of section 12-395 [,] shall be filed in the judicial district of Hartford, and (2) any appeal in a matter concerning removal of a parent as guardian, termination of parental rights, [or] adoption, a family with service needs or a youth in crisis shall be filed in the superior court for juvenile matters having jurisdiction over matters arising in such probate district.

Sec. 7. Section 46b-121 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

(a) (1) Juvenile matters in the civil session of the Superior Court include all proceedings concerning uncared-for, neglected or dependent children and youth within this state, termination of parental rights of children committed to a state agency, matters concerning families with service needs pending before the effective date of this section, contested matters involving termination of parental rights or removal of guardian transferred from the Probate Court, the emancipation of minors and [youth] matters concerning youths in crisis pending before the effective date of this section, but does not include matters of guardianship and adoption or matters affecting property rights of any child, youth or youth in crisis over which the Probate Court has jurisdiction, provided appeals from probate concerning adoption, termination of parental rights and removal of a parent as guardian shall be included.

(2) Juvenile matters in the criminal session of the Superior Court include all proceedings concerning delinquent children in the state and persons sixteen years of age and older who are under the supervision of a juvenile probation officer while on probation or a suspended commitment to the Department of Children and Families, for purposes of enforcing any court orders entered as part of such probation or suspended commitment.

112 (3) Juvenile matters in the Probate Court include matters concerning
113 families with service needs and matters concerning youths in crisis
114 arising within a probate district on or after the effective date of this
115 section.

116 (b) In juvenile matters, the Superior Court and the Probate Court
117 shall have authority to make and enforce such orders directed to
118 parents, including any person who acknowledges before [said] the
119 court paternity of a child born out of wedlock, guardians, custodians
120 or other adult persons owing [some] a legal duty to a child, youth or
121 youth in crisis therein, as it deems necessary or appropriate to secure
122 the welfare, protection, proper care and suitable support of a child,
123 youth or youth in crisis subject to its jurisdiction or otherwise
124 committed to or in the custody of the Commissioner of Children and
125 Families. In addition, with respect to proceedings concerning
126 delinquent children, the Superior Court shall have authority to make
127 and enforce such orders as it deems necessary or appropriate to punish
128 the child, deter the child from the commission of further delinquent
129 acts, assure that the safety of any other person will not be endangered
130 and provide restitution to any victim. [Said court] The Superior Court
131 and the Probate Court shall also have authority to grant and enforce
132 injunctive relief, temporary or permanent, in all proceedings
133 concerning juvenile matters. If any order for the payment of money is
134 issued by [said] the court, including any order assessing costs issued
135 under section 46b-134 or 46b-136, the collection of such money shall be
136 made by [said] the court, except orders for support of children
137 committed to any state agency or department, which orders shall be
138 made payable to and collected by the Department of Administrative
139 Services. Where the court after due diligence is unable to collect such
140 moneys within six months, it shall refer such case to the Department of
141 Administrative Services for collection as a delinquent account. In
142 juvenile matters, the court shall have authority to make and enforce
143 orders directed to persons liable hereunder on petition of [said] the
144 Department of Administrative Services made to [said] the court in the
145 same manner as is provided in section 17b-745, in accordance with the

146 provisions of section 17b-81, 17b-223, subsection (b) of section 17b-179,
147 section 17a-90, 46b-129 or 46b-130, and all of the provisions of section
148 17b-745 shall be applicable to such proceedings. Any judge of the
149 Superior Court or judge of probate hearing a juvenile matter may
150 make any other order in connection therewith that a judge of the
151 Superior Court is authorized to grant and such order shall have the
152 same force and effect as any other order of the Superior Court. In the
153 enforcement of its orders, in connection with any juvenile matter, the
154 court may issue process for the arrest of any person, compel
155 attendance of witnesses and punish for contempt by a fine not
156 exceeding one hundred dollars or imprisonment not exceeding six
157 months.

158 Sec. 8. Section 46b-121b of the general statutes is repealed and the
159 following is substituted in lieu thereof (*Effective October 1, 2003*):

160 (a) The Division of Criminal Justice shall have charge of all
161 proceedings concerning juvenile matters in the criminal session of the
162 Superior Court and all proceedings concerning families with service
163 needs in the civil session of the Superior Court or the Probate Court.

164 (b) The Attorney General shall have charge of all proceedings
165 concerning juvenile matters in the civil session of the Superior Court or
166 the Probate Court.

167 Sec. 9. Section 46b-122 of the general statutes is repealed and the
168 following is substituted in lieu thereof (*Effective October 1, 2003*):

169 (a) All matters before the Superior Court which are juvenile matters,
170 as [defined] provided in section 46b-121, as amended by this act, shall
171 be kept separate and apart from all other business of the Superior
172 Court as far as is practicable, except matters transferred under the
173 provisions of section 46b-127, which matters shall be transferred to the
174 regular criminal docket of [said] the Superior Court. Any judge of the
175 Superior Court hearing a juvenile matter shall, during such hearing,
176 exclude from the room in which such hearing is held any person

177 whose presence is, in the court's opinion, not necessary, except that in
178 delinquency proceedings any victim of the delinquent act, the parents
179 or guardian of such victim and any victim advocate appointed
180 pursuant to section 54-221 shall not be excluded unless the judge
181 specifically orders otherwise.

182 (b) Any judge of probate hearing a juvenile matter, as provided in
183 section 46b-121, as amended by this act, shall, during such hearing,
184 exclude from the room in which such hearing is held any person
185 whose presence is, in the court's opinion, not necessary.

186 Sec. 10. Subsection (a) of section 46b-124 of the general statutes is
187 repealed and the following is substituted in lieu thereof (*Effective*
188 *October 1, 2003*):

189 (a) All records of cases of juvenile matters, as [defined] provided in
190 section 46b-121, as amended by this act, except delinquency
191 proceedings, or any part thereof, and all records of appeals from
192 probate brought to the superior court for juvenile matters pursuant to
193 subsection (b) of section 45a-186, as amended by this act, including
194 studies and reports by probation officers, social agencies and clinics,
195 shall be confidential and for the use of the [court] Superior Court and
196 the Probate Court in juvenile matters, and open to inspection or
197 disclosure to any third party, including bona fide researchers
198 commissioned by a state agency, only upon order of the Superior
199 Court or the Probate Court, except that (1) the records concerning any
200 matter transferred from a court of probate pursuant to section 45a-623
201 or subsection (g) of section 45a-715 or any appeal from probate to the
202 superior court for juvenile matters pursuant to subsection (b) of section
203 45a-186, as amended by this act, shall be available to the court of
204 probate from which such matter was transferred or from which such
205 appeal was taken, (2) such records shall be available to (A) the attorney
206 representing the child or youth including the Division of Public
207 Defender Services in any proceeding in which such records are
208 relevant, (B) the parents or guardian of the child or youth until such

209 time as the child or youth reaches the age of majority or becomes
 210 emancipated, (C) an adult adopted person in accordance with the
 211 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,
 212 inclusive, (D) employees of the Division of Criminal Justice who in the
 213 performance of their duties require access to such records, (E)
 214 employees of the judicial branch who in the performance of their
 215 duties require access to such records, (F) another court under the
 216 provisions of subsection (d) of section 46b-115j, (G) the subject of the
 217 record, upon submission of satisfactory proof of the subject's identity,
 218 pursuant to guidelines prescribed by the Office of the Chief Court
 219 Administrator and provided the subject has reached the age of
 220 majority or has been emancipated, and (H) the Department of Children
 221 and Families. Any record or any part thereof forwarded by [said] the
 222 court or any of its employees to any persons, governmental and
 223 private agencies, and institutions, shall not be disclosed, directly or
 224 indirectly, to any third party not specified in subsection (c) of this
 225 section save upon order of [said] the court or except in the report
 226 required under section 54-76d or 54-91a.

227 Sec. 11. Section 46b-138a of the general statutes is repealed and the
 228 following is substituted in lieu thereof (*Effective October 1, 2003*):

229 In any juvenile proceeding in the Superior Court or the Probate
 230 Court, the accused child shall be a competent witness, and at his or her
 231 option may testify or refuse to testify in such proceedings. The parent
 232 or guardian of such child shall be a competent witness but may elect or
 233 refuse to testify for or against the accused child except that a parent or
 234 guardian who has received personal violence from the child may,
 235 upon the child's trial for offenses arising from such personal violence,
 236 be compelled to testify in the same manner as any other witness. No
 237 unfavorable inferences shall be drawn by the court from the accused
 238 child's silence.

239 Sec. 12. Subsection (b) of section 46b-139 of the general statutes is
 240 repealed and the following is substituted in lieu thereof (*Effective*

241 *October 1, 2003*):

242 (b) Any judge of the Superior Court or judge of probate hearing a
243 juvenile matter may call in a competent interpreter to interpret the
244 evidence in any such hearing and each interpreter so necessarily
245 employed shall be paid from funds appropriated to the Judicial
246 Department.

247 Sec. 13. Subsection (g) of section 46b-140 of the general statutes is
248 repealed and the following is substituted in lieu thereof (*Effective*
249 *October 1, 2003*):

250 (g) Any child or youth coming within the jurisdiction of the court,
251 who is found to be mentally ill, may be committed by [said] the court
252 to the Commissioner of Children and Families and, if the court
253 convicts a child as delinquent and finds such child to be mentally
254 deficient, it may commit such child to an institution for mentally
255 deficient children or youth or delinquents. Whenever it is found that a
256 child convicted by the court as delinquent or adjudged by the [court]
257 Probate Court to be a member of a family with service needs who is
258 fourteen years of age or older would not benefit from continued school
259 attendance, the court may order such child to be placed on vocational
260 probation if such court finds that such child may properly be
261 employed for part or full-time at some useful occupation and that such
262 employment would be favorable to such child's welfare, and the
263 probation officer shall supervise such employment. For the purposes
264 of this section, the limitations of subsection (a) of section 31-23 on the
265 employment of minors under the age of sixteen years shall not apply
266 for the duration of such vocational probation.

267 Sec. 14. Section 46b-146 of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective October 1, 2003*):

269 Whenever any child has been found delinquent or a member of a
270 family with service needs, and has subsequently been discharged from
271 the supervision of the Superior Court or the Probate Court or from the

272 custody of the Department of Children and Families or from the care
 273 of any other institution or agency to whom he has been committed by
 274 the court, such child, his parent or guardian, may file a petition with
 275 the Superior Court and, if such court finds that at least two years or, in
 276 the case of a child convicted as delinquent for the commission of a
 277 serious juvenile offense, four years have elapsed from the date of such
 278 discharge, that no subsequent juvenile proceeding has been instituted
 279 against such child, that such child has not been found guilty of a crime
 280 and that such child has reached sixteen years of age within such
 281 period, it shall order all police and court records pertaining to such
 282 child to be erased. Upon the entry of such an erasure order, all
 283 references including arrest, complaint, referrals, petitions, reports and
 284 orders, shall be removed from all agency, official and institutional files,
 285 and a finding of delinquency or that the child was a member of a
 286 family with service needs shall be deemed never to have occurred. The
 287 persons in charge of such records shall not disclose to any person
 288 information pertaining to the record so erased, except that the fact of
 289 such erasure may be substantiated where, in the opinion of the court, it
 290 is in the best interests of such child to do so. No child who has been the
 291 subject of such an erasure order shall be deemed to have been arrested
 292 ab initio, within the meaning of the general statutes, with respect to
 293 proceedings so erased. Copies of the erasure order shall be sent to all
 294 persons, agencies, officials or institutions known to have information
 295 pertaining to the delinquency or family with service needs proceedings
 296 affecting such child. Whenever a child is dismissed as not delinquent
 297 or as not being a member of a family with service needs, all police and
 298 court records pertaining to such charge shall be ordered erased
 299 immediately, without the filing of a petition.

300 Sec. 15. Section 46b-148 of the general statutes is repealed and the
 301 following is substituted in lieu thereof (*Effective October 1, 2003*):

302 When a child whose family has been adjudicated as a family with
 303 service needs in accordance with section 46b-149, as amended by this
 304 act, violates any valid order [which] of a court of probate that regulates

305 future conduct of the child made by the court of probate following
306 such an adjudication, a probation officer, on receipt of a complaint
307 setting forth facts alleging such a violation, or on his own motion on
308 the basis of his knowledge of such a violation, may file a petition with
309 the [court] Superior Court alleging that the child has committed a
310 delinquent act by reason of having violated a valid court order and
311 setting forth the facts claimed to constitute such a violation. Such child
312 may be processed as any other delinquent child under this chapter,
313 except that (1) such child shall not be held in detention prior to a
314 hearing on such petition for more than seventy-two hours excluding
315 Saturdays, Sundays and holidays; and (2) in entering any order that
316 directs or authorizes placement in a facility under the auspices of the
317 Court Support Services Division or commitment to the Department of
318 Children and Families, the Superior Court judge shall make a
319 determination that there is no less restrictive alternative appropriate to
320 the needs of the child and the community.

321 Sec. 16. Subsection (a) of section 46b-149 of the general statutes is
322 repealed and the following is substituted in lieu thereof (*Effective*
323 *October 1, 2003*):

324 (a) Any selectman, town manager, police officer or welfare
325 department of any town, city or borough, probation officer,
326 superintendent of schools, the Commissioner of Children and Families,
327 any child-caring institution or agency approved or licensed by the
328 Commissioner of Children and Families, any youth service bureau, a
329 parent or foster parent of a child, or a child or his representative or
330 attorney, who believes that the acts or omissions of a child are such
331 that his family is a family with service needs, may file a written
332 complaint setting forth those facts with the [superior court which has
333 venue over that matter] court of probate for the district in which the
334 child resides.

335 Sec. 17. Subsection (c) of section 46b-149 of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective*

337 October 1, 2003):

338 (c) A petition alleging that a family constitutes a family with service
339 needs shall be verified and filed with the [Superior Court which has
340 venue over the matter] court of probate for the district in which the
341 child resides. The petition shall set forth plainly: (1) The facts which
342 bring the child within the jurisdiction of the court, (2) the name, date of
343 birth, sex and residence of the child, (3) the name and residence of his
344 parent or parents, guardian or other person having control of him, and
345 (4) a prayer for appropriate action by the court in conformity with the
346 provisions of this section.

347 Sec. 18. Subsection (a) of section 46b-149a of the general statutes is
348 repealed and the following is substituted in lieu thereof (*Effective*
349 *October 1, 2003*):

350 (a) Any police officer who receives a report from the parent or
351 guardian of a child that such child is a member of a family with service
352 needs [, as defined in section 46b-120,] shall promptly attempt to locate
353 the child. If the officer locates such child, or any child he believes has
354 run away from his parent or guardian's home without permission, or
355 any nondelinquent juvenile runaway from another state, he shall
356 report the location of the child to the parent or guardian, and may
357 respond in one of the following ways: (1) He may transport the child to
358 the home of the child's parent or guardian or any other person; (2) he
359 may refer the child to the court of probate for the district in which the
360 child resides or the superior court for juvenile matters in the district
361 where the child is located; (3) he may hold the child in protective
362 custody for a maximum period of twelve hours until the officer can
363 determine a more suitable disposition of the matter, provided (A) the
364 child is not held in any locked room or cell, and (B) the officer may
365 release the child at any time without taking further action; or (4) he
366 may transport or refer a child to any public or private agency serving
367 children, with or without the agreement of the child. If a child is
368 transported or referred to an agency pursuant to this section, such

369 agency may provide services to the child unless or until the child's
370 parent or guardian at any time refuses to agree to those services. Such
371 agency shall be immune from any liability, civil or criminal, which
372 might otherwise be incurred or imposed; provided such services are
373 provided in good faith and in a nonnegligent manner.

374 Sec. 19. Section 46b-149c of the general statutes is repealed and the
375 following is substituted in lieu thereof (*Effective October 1, 2003*):

376 With respect to truancy and other family with service needs cases,
377 the judicial branch shall:

378 (1) Coordinate programs and services with other state agencies;

379 (2) Establish protocols in cooperation with the Office of Policy and
380 Management, the Department of Children and Families and the
381 Department of Education for referral to community-based intervention
382 programs prior to referral of a case to the [superior court for juvenile
383 matters] Probate Court;

384 (3) Develop and use procedures to evaluate the risk and service
385 needs of children whose cases have been referred to the [superior court
386 for juvenile matters] Probate Court; and

387 (4) Collaborate with community-based programs.

388 Sec. 20. Section 46b-149d of the general statutes is repealed and the
389 following is substituted in lieu thereof (*Effective October 1, 2003*):

390 (a) A demonstration project to establish a school and community-
391 based truancy prevention initiative is authorized, which shall address
392 the needs of public school children who exhibit patterns of unexcused
393 absences from school. The Office of Policy and Management, in
394 consultation with the Department of Education and the judicial
395 branch, shall issue a request for proposals and award competitive
396 grants. The Office of Policy and Management, in consultation with the
397 Department of Education and the judicial branch, shall select at least

398 two demonstration project sites.

399 (b) To be eligible for such a competitive grant the program shall
400 include:

401 (1) A description of the policies that the community's board of
402 education has adopted pursuant to section 10-198a, as amended by this
403 act, as well as the board's plans to work with the leadership of
404 community truancy prevention initiatives to: (A) Monitor school
405 attendance; (B) enhance any existing in-school truancy prevention
406 programs; (C) establish after-school and summer school programs for
407 truants; (D) provide mentoring programs for children at risk of being
408 truant; (E) implement school and community-based intervention
409 programs that target families with elementary school children who
410 exhibit persistent patterns of absenteeism or truancy; (F) provide in-
411 school alternative education initiatives for chronic truants; and (G)
412 provide monthly truancy reports to the Office of Policy and
413 Management.

414 (2) Participation of youth service bureaus, juvenile review boards or
415 other community-based service networks, to provide such services as
416 truancy coordinators, mentorship programs and peer mediation for
417 children as well as truancy case management for boards of education
418 prior to the referral of a truant to a juvenile court before the effective
419 date of this section or to a court of probate on and after the effective
420 date of this section. Such proposal may also provide for diversion of
421 truants from the juvenile court or court of probate in appropriate cases.
422 Case management will include development of student intervention
423 action plans, family counseling and parental education programs and,
424 when appropriate, referrals for mental health and substance abuse
425 assessments for the child and parents.

426 (c) For those communities [who] that have been awarded a grant
427 pursuant to subsection (b) of this section, and established community
428 truancy prevention initiatives, the Chief Court Administrator may
429 establish a truancy or family with service needs docket [and the] for

430 matters arising before the effective date of this section. The Court
 431 Support Services Division, in consultation with the Probate Court
 432 Administrator, shall, within available appropriations, make available
 433 to such communities the following: (1) A risk and needs assessment
 434 tool; and (2) funding for nonjudicial diversion of appropriate truancy
 435 cases to youth service bureaus and juvenile review boards. For court
 436 sanctioned intervention programs, the Court Support Services
 437 Division, in consultation with the Probate Court Administrator, shall:
 438 (A) Provide parenting education programs; (B) expand existing
 439 programs to serve truancy cases; (C) provide intensive outreach and
 440 monitoring, including intensive probation services for chronic truancy
 441 cases; (D) provide for mental health assessment and outpatient mental
 442 health and substance abuse services; and (E) provide for short-term
 443 emergency residential placement for children with multiple referrals to
 444 the juvenile court or court of probate for truancy, being beyond control
 445 and for being runaways.

446 Sec. 21. Section 46b-150f of the general statutes is repealed and the
 447 following is substituted in lieu thereof (*Effective October 1, 2003*):

448 (a) Any selectman, town manager, police officer or welfare
 449 department of any town, city or borough, probation officer,
 450 superintendent of schools, any child-caring institution or agency
 451 approved or licensed by the Commissioner of Children and Families,
 452 any youth service bureau, a parent or foster parent of a youth, or a
 453 representative of youth, who believes that the acts or omissions of a
 454 youth are such that such youth is a youth in crisis may file a written
 455 complaint setting forth those facts with the [Superior Court which has
 456 venue over that matter] court of probate for the district in which the
 457 youth resides.

458 (b) A petition alleging that a youth is a youth in crisis shall be
 459 verified and filed with the [Superior Court which has venue over the
 460 matter] court of probate for the district in which the youth resides. The
 461 petition shall set forth plainly: (1) The facts which bring the youth

462 within the jurisdiction of the court; (2) the name, date of birth, sex and
463 residence of the youth; (3) the name and residence of the parent or
464 parents, guardian or other person having control of the youth; and (4)
465 a prayer for appropriate action by the court in conformity with the
466 provisions of this section.

467 (c) Upon determination that a youth is a youth in crisis in
468 accordance with policies established by the [Chief] Probate Court
469 Administrator, the court may make and enforce orders, including, but
470 not limited to, orders: (1) Prohibiting the youth in crisis from driving a
471 motor vehicle for a time determined by the court; (2) requiring work or
472 specified community service; (3) mandating that the youth in crisis
473 attend an educational program in the local community approved by
474 the court; and (4) requiring mental health services. A youth in crisis
475 found to be in violation of any order under this section shall not be
476 considered to be delinquent and shall not be punished by the court by
477 incarceration in any state-operated detention facility or correctional
478 facility.

479 (d) The Judicial Department may use any funds appropriated for
480 purposes of this chapter for costs incurred by the department or the
481 court pursuant to this section.

482 Sec. 22. Subsection (a) of section 46b-150g of the general statutes is
483 repealed and the following is substituted in lieu thereof (*Effective*
484 *October 1, 2003*):

485 (a) Any police officer who receives a report from the parent or
486 guardian of a youth in crisis [, as defined in section 46b-120,] may
487 attempt to locate the youth in crisis. If the officer locates such youth in
488 crisis, such officer may report the location of the youth to the parent or
489 guardian in accordance with the provisions of federal and state law
490 after such officer determines that such report does not place the youth
491 in any physical or emotional harm. In addition the police officer may:
492 (1) Transport the youth in crisis to the home of the child's parent or
493 guardian or any other person; (2) refer the youth in crisis to the court

494 of probate for the district in which the youth resides or the superior
 495 court for juvenile matters in the district where the youth in crisis is
 496 located; (3) hold the youth in crisis in protective custody for a
 497 maximum period of twelve hours until the officer can determine a
 498 more suitable disposition of the matter, provided (A) the youth in
 499 crisis is not held in any cell designed or used for adults, and (B) the
 500 officer may release the youth in crisis at any time without taking
 501 further action; or (4) transport or refer a youth in crisis to any public or
 502 private agency serving children, with or without the agreement of the
 503 youth in crisis. If a youth in crisis is transported or referred to an
 504 agency pursuant to this section, such agency shall provide temporary
 505 services to the youth in crisis unless or until the parent or guardian of
 506 the youth in crisis at any time refuses to agree to those services.

507 Sec. 23. (*Effective October 1, 2003*) Section 51-181d of the general
 508 statutes is repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>October 1, 2003</i>
Sec. 18	<i>October 1, 2003</i>
Sec. 19	<i>October 1, 2003</i>

Sec. 20	<i>October 1, 2003</i>
Sec. 21	<i>October 1, 2003</i>
Sec. 22	<i>October 1, 2003</i>
Sec. 23	<i>October 1, 2003</i>

Statement of Purpose:

To transfer jurisdiction over matters concerning families with service needs and youths in crisis from the Superior Court for juvenile matters to the Probate Court.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]